



January 30, 2015

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## SENATE BILL No. 422

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DIGEST OF SB 422 (Updated January 28, 2015 11:14 am - DI 106)

**Citations Affected:** IC 33-23; IC 33-37.

**Synopsis:** Court security fees and funds. Requires: (1) the clerk of a circuit court; and (2) the clerk of a city or town court; to collect a court security fee of \$2 in each action in which a person is required to pay a criminal costs fee or a civil costs fee. Provides that the fee sunsets after four years. Requires the clerks to distribute 100% of the court security fees collected to the auditor of state. Requires the auditor of state to transfer the court security fees to the courthouse security fund administered by the judicial center. Authorizes the judicial center to award grants from the fund to defray the costs of installing, operating, maintaining, and upgrading security measures, plans, procedures, and systems in and around: (1) courtrooms; and (2) buildings that contain courtrooms; located in the county. Makes an appropriation.

**Effective:** July 1, 2015.

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### Grooms, Steele, Bassler

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January 12, 2015, read first time and referred to Committee on Judiciary.  
January 29, 2015, amended, reported favorably — Do Pass.

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SB 422—LS 6305/DI 69





January 30, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 422

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 33-23-18 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]:

4 **Chapter 18. Courthouse Security Fund**

5 **Sec. 1. As used in this chapter, "fund" refers to the courthouse**  
6 **security fund established under section 2 of this chapter.**

7 **Sec. 2. (a) The courthouse security fund is established.**

8 **(b) The fund may be used only to pay for the costs of installing,**  
9 **operating, maintaining, and upgrading security measures, plans,**  
10 **procedures, and systems in and around:**

11 **(1) courtrooms; and**

12 **(2) buildings that contain courtrooms.**

13 **(c) The fund shall be administered by the Indiana judicial**  
14 **center.**

15 **(d) The fund consists of court security fees transferred to the**  
16 **fund by the auditor of state under:**

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(1) IC 33-37-7-2(o); and

(2) IC 33-37-7-8(k).

(e) The expenses of administering the fund shall be paid from money in the fund.

(f) Money in the fund is continually appropriated to carry out the purposes of the fund.

Sec. 3. (a) The Indiana judicial center may award a grant from the fund to a county, city, or town to pay for the costs of installing, operating, maintaining, and upgrading security measures, plans, procedures, and systems in and around:

(1) courtrooms; and

(2) buildings that contain courtrooms.

(b) To receive a grant under this section, one (1) or more courts in a county must submit an application to the Indiana judicial center:

(1) on a form; and

(2) in the manner;

prescribed by the Indiana judicial center. The application shall be completed in collaboration with the county sheriff and the county fiscal body (for a county court) or the city or town fiscal body (for a city or town court).

(c) The Indiana judicial center shall determine the amount of a grant awarded under this chapter, giving due consideration to:

(1) the security needs of the city, town, or county;

(2) the security needs of other cities, towns, and counties; and

(3) any existing or proposed court security plan (as described in supreme court administrative rule 19).

(d) Any part of an application or grant submitted or awarded under this chapter that describes existing or proposed security measures is confidential.

SECTION 2. IC 33-37-5-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 33. (a) In each action in which a person is required to pay:

(1) a criminal costs fee under IC 33-37-4-1; or

(2) a civil costs fee under IC 33-37-4-4;

the clerk shall collect a court security fee of two dollars (\$2).

(b) This section expires July 1, 2019.

SECTION 3. IC 33-37-7-2, AS AMENDED BY P.L.284-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the



homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (7) The following:
  - (A) For a county operating under the state's automated judicial system, one hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).
  - (B) This clause applies before July 1, 2013, and after June 30, 2015. For a county not operating under the state's automated judicial system, eighty percent (80%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).
  - (C) This clause applies after June 30, 2013, and before July 1,



1           2015. For a county not operating under the state's automated  
 2           judicial system, five dollars (\$5) of the automated record  
 3           keeping fee (IC 33-37-5-21) not distributed under subsection  
 4           (a).

5           (c) The clerk of a circuit court shall distribute monthly to the county  
 6           auditor the following:

7           (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 8           interdiction, and correction fees collected under  
 9           IC 33-37-4-1(b)(5).

10          (2) Seventy-five percent (75%) of the alcohol and drug  
 11          countermeasures fees collected under IC 33-37-4-1(b)(6),  
 12          IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

13          The county auditor shall deposit fees distributed by a clerk under this  
 14          subsection into the county drug free community fund established under  
 15          IC 5-2-11.

16          (d) The clerk of a circuit court shall distribute monthly to the county  
 17          auditor one hundred percent (100%) of the late payment fees collected  
 18          under IC 33-37-5-22. The county auditor shall deposit fees distributed  
 19          by a clerk under this subsection as follows:

20          (1) If directed to do so by an ordinance adopted by the county  
 21          fiscal body, the county auditor shall deposit forty percent (40%)  
 22          of the fees in the clerk's record perpetuation fund established  
 23          under IC 33-37-5-2 and sixty percent (60%) of the fees in the  
 24          county general fund.

25          (2) If the county fiscal body has not adopted an ordinance  
 26          described in subdivision (1), the county auditor shall deposit all  
 27          the fees in the county general fund.

28          (e) The clerk of the circuit court shall distribute semiannually to the  
 29          auditor of state for deposit in the sexual assault victims assistance  
 30          account established by IC 5-2-6-23(h) one hundred percent (100%) of  
 31          the sexual assault victims assistance fees collected under  
 32          IC 33-37-5-23.

33          (f) The clerk of a circuit court shall distribute monthly to the county  
 34          auditor the following:

35          (1) One hundred percent (100%) of the support and maintenance  
 36          fees for cases designated as non-Title IV-D child support cases in  
 37          the Indiana support enforcement tracking system (ISETS) or the  
 38          successor statewide automated support enforcement system  
 39          collected under IC 33-37-5-6.

40          (2) The percentage share of the support and maintenance fees for  
 41          cases designated as Title IV-D child support cases in ISETS or the  
 42          successor statewide automated support enforcement system



collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(j) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(k) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as



1 follows:

2 (1) The clerk shall distribute one hundred percent (100%) of the  
3 garnishee service fees collected in a circuit, superior, county, or  
4 probate court to the county auditor for deposit in the county  
5 general fund.

6 (2) The clerk shall distribute one hundred percent (100%) of the  
7 garnishee service fees collected in a city or town court to the city  
8 or town fiscal officer for deposit in the city or town general fund.

9 (l) The clerk of the circuit court shall distribute semiannually to the  
10 auditor of state for deposit in the home ownership education account  
11 established by IC 5-20-1-27 one hundred percent (100%) of the  
12 following:

13 (1) The mortgage foreclosure counseling and education fees  
14 collected under IC 33-37-5-32 (before its expiration on January  
15 1, 2015).

16 (2) Any civil penalties imposed and collected by a court for a  
17 violation of a court order in a foreclosure action under  
18 IC 32-30-10.5.

19 (m) This subsection applies to a county that is not operating under  
20 the state's automated judicial system. The clerk of a circuit court shall  
21 distribute monthly to the county auditor the following part of the  
22 automated record keeping fee (IC 33-37-5-21) not distributed under  
23 subsection (a) for deposit in the clerk's record perpetuation fund:

24 (1) Twenty percent (20%), before July 1, 2013, and after June 30,  
25 2015.

26 (2) Two dollars (\$2) of each fee collected, after June 30, 2013,  
27 and before July 1, 2015.

28 (n) The clerk of a circuit court shall distribute semiannually to the  
29 auditor of state one hundred percent (100%) of the pro bono legal  
30 services fees collected before July 1, 2017, under IC 33-37-5-31. The  
31 auditor of state shall transfer semiannually the pro bono legal services  
32 fees to the Indiana Bar Foundation (or a successor entity) as the entity  
33 designated to organize and administer the interest on lawyers trust  
34 accounts (IOLTA) program under Rule 1.15 of the Rules of  
35 Professional Conduct of the Indiana supreme court. The Indiana Bar  
36 Foundation shall:

37 (1) deposit in an appropriate account and otherwise manage the  
38 fees the Indiana Bar Foundation receives under this subsection in  
39 the same manner the Indiana Bar Foundation deposits and  
40 manages the net earnings the Indiana Bar Foundation receives  
41 from IOLTA accounts; and

42 (2) use the fees the Indiana Bar Foundation receives under this





subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

**(o) The clerk of a circuit court shall distribute monthly to the auditor of state one hundred percent (100%) of the court security fees collected under IC 33-37-5-33. The auditor of state shall transfer semiannually the court security fees to the courthouse security fund established by IC 33-23-18-2. This subsection expires July 1, 2019.**

SECTION 4. IC 33-37-7-8, AS AMENDED BY P.L.136-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).



(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the following:

(1) The late payment fees collected under IC 33-37-5-22.

(2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

(3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to



the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The DNA sample processing fees collected under IC 33-37-5-26.2.

(3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized to fund city or town court operations.

(j) The clerk of a city or town court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

**(k) The clerk of a city or town court shall distribute monthly to**



1     **the auditor of state one hundred percent (100%) of the court**  
2     **security fees collected under IC 33-37-5-33. The auditor of state**  
3     **shall transfer semiannually the court security fees to the**  
4     **courthouse security fund established by IC 33-23-18-2. This**  
5     **subsection expires July 1, 2019.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 422, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-23-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 18. Courthouse Security Fund**

**Sec. 1. As used in this chapter, "fund" refers to the courthouse security fund established under section 2 of this chapter.**

**Sec. 2. (a) The courthouse security fund is established.**

**(b) The fund may be used only to pay for the costs of installing, operating, maintaining, and upgrading security measures, plans, procedures, and systems in and around:**

- (1) courtrooms; and**
- (2) buildings that contain courtrooms.**

**(c) The fund shall be administered by the Indiana judicial center.**

**(d) The fund consists of court security fees transferred to the fund by the auditor of state under:**

- (1) IC 33-37-7-2(o); and**
- (2) IC 33-37-7-8(k).**

**(e) The expenses of administering the fund shall be paid from money in the fund.**

**(f) Money in the fund is continually appropriated to carry out the purposes of the fund.**

**Sec. 3. (a) The Indiana judicial center may award a grant from the fund to a county, city, or town to pay for the costs of installing, operating, maintaining, and upgrading security measures, plans, procedures, and systems in and around:**

- (1) courtrooms; and**
- (2) buildings that contain courtrooms.**

**(b) To receive a grant under this section, one (1) or more courts in a county must submit an application to the Indiana judicial center:**

- (1) on a form; and**
- (2) in the manner;**

**prescribed by the Indiana judicial center. The application shall be completed in collaboration with the county sheriff and the county**



fiscal body (for a county court) or the city or town fiscal body (for a city or town court).

(c) The Indiana judicial center shall determine the amount of a grant awarded under this chapter, giving due consideration to:

- (1) the security needs of the city, town, or county;
- (2) the security needs of other cities, towns, and counties; and
- (3) any existing or proposed court security plan (as described in supreme court administrative rule 19).

(d) Any part of an application or grant submitted or awarded under this chapter that describes existing or proposed security measures is confidential."

Page 1, line 3, after "33." insert "(a)".

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"(b) This section expires July 1, 2019."

Page 6, line 6, delete "each county. The" and insert "the courthouse security fund established by IC 33-23-18-2. This subsection expires July 1, 2019."

Page 6, delete lines 7 through 10.

Page 8, line 42, delete "each county." and insert "the courthouse security fund established by IC 33-23-18-2. This subsection expires July 1, 2019."

Page 9, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 422 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 2.

